

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**IN RE:**

**SANDRA ANN WARE,**

**DEBTOR.**

**Case No.: BK-08-15198-WV  
Chapter 7**

**MOTION FOR ABANDONMENT OF PROPERTY AND BRIEF IN SUPPORT THEREOF  
AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW, GMAC MORTGAGE, LLC, (hereinafter referred to as Movant) and pursuant to the provisions of Title 11 U.S.C §554, moves the Court to grant an order of abandonment of the property hereinafter described. In support of its Motion, Movant alleges and states as follows:

1. That the original makers, for a good and valuable consideration, made, executed and delivered to the Payee, a certain written promissory note; a true copy of said note and endorsements thereon, if any, is hereto attached, marked Exhibit "A", and made a part hereof.
2. As a part of the same transaction, and to secure the payment of said note and the indebtedness represented thereby, the said makers, being then the owners of the real estate hereinafter described, made, executed and delivered to the Payee, a real estate mortgage in writing, and therein and thereby mortgaged and conveyed to said mortgagee the following described real estate situated in Oklahoma County, State of Oklahoma, to-wit:

Lot Twenty-two (22), in Block Thirty-eight (38), of Knob Hill Addition, Blocks 36 thru 40, an Addition to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof;  
a/k/a 2841 Southwest 53rd Street, Oklahoma City, OK 73119

with the buildings and improvements and the appurtenances, hereditaments and all other rights thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in

connection with said premises. A true and correct copy of said mortgage is attached hereto, marked Exhibit "B" and made a part hereof.

3. Movant is duly authorized to bring this action.
4. The Debtors filed this bankruptcy proceeding on November 19, 2008. The Trustee filed a Report of No Distribution on March 30, 2009. An Order of Discharge was entered on April 8, 2008, and the case was closed May 29, 2009.
5. The real property described in paragraph 2, above, was not listed on the Debtors' Schedule A or C, nor was the secured claim listed on Schedule D. Since no legal description of the real property is provided in any of Debtors' Schedules or attachments thereto, the bankruptcy remains a cloud upon the title to said real property.
6. This Motion is being brought only to obtain an Order of Abandonment of the real property by its complete legal description, rather than by a street address which may change, thus clearing any future title issues.
7. Notice of the Motion has been afforded to the Trustee, the Debtor and all parties claiming an interest in the subject property.

WHEREFORE, Movant moves the Court for an Order directing the Trustee herein to abandon the mortgaged property as authorized by 11 U.S.C. §554 so as to permit Movant and other interested parties to enforce their liens against the subject property.

#### **NOTICE OF OPPORTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also mail a file-

stamped copy of your response or objection to the undersigned Movant attorney (and others who are required to be served) and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the 3 days allowed for mailing provided for the Rule 9006(f) Fed.R.Bankr. Proc.

GMAC MORTGAGE, LLC,

By: s/ Jim Timberlake  
JIM TIMBERLAKE - #14945  
MATTHEW J. HUDSPETH - #14613  
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Oklahoma City, OK 73102  
Telephone: (405) 842-7722  
Fax: (918) 491-5424  
Attorney for Movant

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a true and correct copy of the above and foregoing Motion with postage thereon fully prepaid to all parties claiming an interest in the subject property as listed below, and to those parties listed on the attached Creditor's Mailing Matrix, on May 6, 2015.

Sandra Ann Ware  
11939 N. Mustang Rd.  
Yukon, OK 73099

The following persons should have received notice of the above and foregoing instrument on the same day it was filed by the Court's CM/ECF Electronic Noticing System.

Ginger D. Goddard  
224 West Gray Street, Suite 202  
Norman, OK 73069

Jerry D. Brown  
5500 N. Western, Suite 150  
Oklahoma City, OK 73118

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